

**EXHIBIT A**

**(Declaration of Steve R. Sons)**

**TO**

**DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFFS'  
MOTION FOR CONDITIONAL COLLECTIVE ACTION  
CERTIFICATION AND FOR *HOFFMANN-LAROCHE* NOTICE**

(Michael Shane Christopher, et al. v. SmithKline Beecham Corporation, d/b/a  
GlaxoSmithKline, Case No. 08-CV-01498-FJM)

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13 Beecham Corporation, d/b/a GlaxoSmithKline

14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE DISTRICT OF ARIZONA  
16

17 Michael Shane Christopher, filing  
individually and on behalf of all others  
18 similarly situated; and Frank Buchanan,  
filing individually and on behalf of all  
19 others similarly situated;

20 Plaintiffs,

21 vs.

22 SmithKline Beecham Corporation,  
23 d/b/a GlaxoSmithKline,

24 Defendant.

No. CV08-01498-PHX-FJM

**DECLARATION OF STEVE R. SONS**

25  
26 I, Steve R. Sons, hereby declare as follows:

27 1. I am currently employed by SmithKline Beecham Corporation d/b/a  
28 GlaxoSmithKline (GSK) as the Vice President of HR, HIV, HR and

1 Communications in US Pharma. I have held this position since July 2007. Prior to  
2 this, I held the position of Vice President of HR Operations for GSK's  
3 Pharmaceutical and Marketing Sales organization. I held that position from  
4 January 2001 to July 2007. In that capacity, I had overall responsibility for HR  
5 operations supporting all of the Sales Divisions within US Pharma for GSK. I have  
6 worked for GlaxoSmithKline, or its predecessor, GlaxoWellcome, since January  
7 1986.

8 2. I have personal knowledge of the facts set forth in this Declaration  
9 and, if called and sworn as a witness, I could and would testify as to their accuracy.

10 3. I make this Declaration entirely of my own free will and choice. No  
11 promises of benefits or threats have been made to me to persuade me to sign it.

12 4. SmithKline Beecham Corporation d/b/a GlaxoSmithKline is a  
13 research-based pharmaceutical company with U.S. headquarters located in  
14 Research Triangle Park, North Carolina. It is the U.S. operating company of the  
15 GlaxoSmithKline Group of Companies ("GSK Group") which together form the  
16 second largest pharmaceutical company in the world and which dates its existence  
17 to a London pharmacy opened in 1715. The GSK Group as it exists today was  
18 shaped by a series of acquisitions and mergers in this country and abroad,  
19 including, most recently, the 2001 merger of Glaxo Wellcome and SmithKline  
20 Beecham. The GSK Group employs over 100,000 people in 117 countries with  
21 approximately 25,000 employees in the United States.

22 5. GSK produces and sells medicines that treat major disease areas,  
23 including asthma and other respiratory conditions, HIV/AIDS, mental health,  
24 migraines, diabetes, heart failure, digestive conditions and cancer. In addition,  
25 GSK is a leader in the area of vaccines. Since the time Mr. Christopher was hired  
26 by GSK, GSK has sold approximately 70 different prescription drug products.

27 6. At GSK, there is no single, homogeneous "sales organization." All  
28 sales representatives do not report up to a single senior sales executive; they report

1 up a chain of command to the leaders of the various “business units” described  
2 below.

3 7. GSK sells its products through business units or divisions organized  
4 around the products for which they are responsible and/or the individuals and  
5 entities who prescribe, bought and/or otherwise made GSK’s drug products  
6 available to appropriate patients. I understand that the “relevant time period”  
7 alleged in the lawsuit filed by Mr. Christopher and Mr. Buchanan is August 2005 to  
8 the present. During this time period GSK has undergone significant restructurings  
9 of its sales organization. Currently, it consists of the following business units or  
10 divisions:

- 11 • Pharmaceuticals (a/k/a General Pharma)
- 12 • Payor Markets
- 13 • Oncology
- 14 • Vaccines
- 15 • HIV and Immunology

16 Within General Pharma, there are four geographic areas across the country, which  
17 are then further divided into Respiratory, Urology, Cardiovascular, and  
18 Neuroscience groups. The Neuroscience groups are then further divided into field  
19 sales and specialty sales teams. There also is a Medical Center Sales group within  
20 which the sales representatives are divided into Critical Care and Institutional  
21 Accounts. There also is a Senior Care Sales group within Medical Center Sales.  
22 Within Oncology, the sales representatives are divided into Medical Oncology and  
23 Hematological Oncology. Prior to January 1, 2009, the sales organization consisted  
24 of the following business units or divisions: Research Triangle Park-Pharma (RTP  
25 Pharma); Philadelphia-Pharma (Philly Pharma); Neurohealth; HIV; Vaccines;  
26 Oncology; Critical and Supportive Care; and Managed Markets.

27 8. Historically and today, there are significant differences among the  
28 units. These differences include, for example, the number and type of drug products

1 for which they are responsible, the approach to incentive compensation, the disease  
2 states on which the sales representatives focus, the underlying science of the drugs,  
3 the number and type of health care providers and/or entities on which they call, the  
4 demographics of the provider's practice area, the level of competition in the market  
5 place, and the market for the products. These and other differences require that  
6 sales representatives use different approaches and strategies for selling GSK's  
7 products – there is no “one size fits all” way to sell GSK's products. Sales  
8 representatives must receive product specific training for each product for which  
9 they are responsible and receive additional training each time they become  
10 responsible for a new product or transfer to a different division or group with  
11 different product responsibility.

12 9. The significant differences in duties and responsibilities among the  
13 various GSK sales representatives can be seen in a sampling of “job postings” from  
14 the various divisions attached to this declaration. Specifically, attached as Exhibit  
15 A is a job posting for a Critical Care Account Manager in the Medical Center Sales  
16 group in General Pharma; attached as Exhibit B is a job posting for an  
17 Immunization Specialist (Vac Sales Rep) in the Vaccines division; attached as  
18 Exhibit C is a job posting for an HIV Clinical Specialist in the HIV division;  
19 attached as Exhibit D is a job posting for a Long Term Care Specialist in the Senior  
20 Care Sales group within General Pharma; attached as Exhibit E is a job posting for  
21 an Institutional Account Manager in the Medical Center Sales group within General  
22 Pharma; and attached as Exhibit F is a job posting for a Hematological Oncology  
23 Account Manager in the Oncology division. These are just some of the many job  
24 postings for sales representative positions at GSK.

25 10. Employees who work in the field in these business units or divisions  
26 do not have offices at GSK locations.

27 11. Plaintiffs in this case worked in only Philly Pharma and RTP Pharma –  
28 just two of GSK's many sales business units and groups – and in only two states

1 (Kentucky and Arizona). They never worked in any of GSK's specialty units.

2 12. Plaintiffs identify at most 6 different job titles in the declarations they  
3 submitted. Over time, GSK has had between 50 and 100 different job titles for  
4 positions within the US Pharma sales organization.  
5

6 13. GSK currently has approximately 6,300 sales representatives in its  
7 U.S. Pharma sales organization  
8

9  
10 I have read this Declaration, and I declare under penalty of perjury under the  
11 laws of the United States that the foregoing is true and correct.

12 EXECUTED this 4<sup>th</sup> day of April, 2009, at Raleigh, North  
13 Carolina.

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16 \_\_\_\_\_  
Steve R. Sons

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## **EXHIBIT A**

### Critical Care Account Manager

#### Basic Qualifications:

4 year BA/BS degree from an accredited institution

Ability to travel domestically as necessary, which may include overnight and/or weekend travel up to \_\_%

Valid drivers license

2+ years of relevant outside sales experience, or equivalent

SPECIALIZED KNOWLEDGE: S09 (S08-S06 available as promotional opportunity)

Demonstrated strong product knowledge required; business and clinical environment preferred

Minimum two years pharmaceutical sales experience required

Strong record of high performance and consistent results required

Strong communication, presentation and influencing skills required

Demonstrated ability to identify unique sales opportunities and to perform tasks beyond designated responsibilities

Strong business and planning skills

Ability to multi-task

#### Competencies:

Strategic Analysis & Planning

Customer Focus

Product and Market Knowledge/Selling Skills

Resource optimization

Teamwork & Leadership

The Winning Expectation: Professionalism

### KEY RESPONSIBILITIES

Demonstrate thorough knowledge of GSK and competitive products and therapeutic areas.

Effectively demonstrate the ability to translate product knowledge into effective sales presentations.

Maintain knowledge and data, which are constantly changing within each therapeutic area.

Have extensive knowledge of Managed Care strategies, GPOs and contracting associated with Critical Care products.

Consult with healthcare providers on appropriate patient selection and treatment options with GSK Critical Care products.

Develop strategies and tactics to generate sales in academic and community hospitals.

Develop and implement targeting strategies specific to each customer within an account (i.e., physician, pharmacist, and hospital staff).

Propose and implement specific strategies for current and launch products in the Critical Care market place.



Develop and maintain strong working relationships with GSK Critical Care Marketing, Sales, Institutional Sales Support, Medical Affairs and Product Information.

Develop and maintain relationships with members of relevant professional associations through attendance and participation at national, state, local meetings, conventions, and events.

Effectively use sales data and targeting tools to prioritize Critical Care products with high-potential customers.

Provide outstanding customer service by responding to our customers' requests, inquiries and needs.

Provide product educational programs/in-services to customers on the features and benefits of Critical Care products.

Develop and deliver high-quality, value-added programs.

Attend educational forums (tumor boards, Grand Rounds, symposia)

Effectively manage allocated resources (i.e., financial, technical, people) to accounts.

A high level of influencing of key decision makers in the Critical Care market is required.

This position will interact on a regular basis with department heads and other key staff within the hospital. The position is required to work across boundaries with Oncology Account Managers who are primarily responsible for contracting strategy within the institution and with field Sales Representatives who may also call on physicians in an office-based setting.

## **EXHIBIT B**

Immunization Specialist (Vac Sales Rep):

- 4 year BA/BS degree from an accredited institution
- Ability to travel domestically as necessary, which may include overnight and/or weekend travel up to 25%
- Valid drivers license
  
- Minimum 2 years sales experience
- Strong track record of high-level performance and consistent achievements.
- Demonstrated ability to understand technical information.
- Strong account selling skills, including contract negotiations and ability to close a sale at the completion of a transaction.

Demonstrate knowledge of GSK vaccines, competitive products and GSK promotional strategies and objectives.

Develop and maintain specialized expertise in vaccine therapeutic areas, products and markets.

Demonstrate high-level selling and marketing skills, including account-based selling, strategic thinking, drive for results, and the ability to ask for the business.

Demonstrate the ability to provide value to each targeted account through proper blending of science & service based upon each accounts individual needs.

Demonstrate the ability to "close the sale" on every call by physically taking an order for GSK vaccines

Effectively understand and utilize all vaccine sales data to strategically target key accounts.

Develop a business plan that outlines objectives, tactics and resources to meet and exceed sales goals.

Establish strong awareness and support of GSK vaccines with key influencers and prescribers.

Utilize customer-focused selling techniques to establish and maintain customer intimacy with key individuals at targeted accounts.

Consistently bring value, and gain recognition as the vaccine expert and position GSK as the leading vaccines company in the industry.

Provide account with all current vaccine pricing and reimbursement issues; help negotiate contracts, provide ongoing customer service and strategically ensure contract compliance and maximize pull-through of vaccines sales.

Present vaccine programs that enhance GSK as the vaccine expert and further support customer needs.

Maintain and update customer profiles and ordering timelines through correct record keeping on each call.

Demonstrate effective use of corporate, regional and vaccine resources to maximize sales opportunities.

Train key clinicians on vaccine administration, scheduling, dosing, disease states, etc.

## **EXHIBIT C**

#### HIV Clinical Specialist

- 4 year BA/BS degree from an accredited institution
- 2-4 years of pharmaceutical or specialty sales experience
- Ability to travel domestically as necessary, which may include overnight and/or weekend travel up to 80%
- Valid drivers license

- Account based selling experience
- Strong science background.
- Demonstrated product knowledge.
  - Job performance results meet or exceed job requirements for previous 12 months.
  - Demonstrated success selling in community hospitals.
  - Mastery of selling skills including group-selling skills.
  - Excellent communication, organizational and interpersonal skills required.

This position covers numerous states in the upper Midwest. Demonstrate a thorough knowledge of GSK Pharmaceuticals and competitive products and therapeutic areas. Maintain knowledge and data that is constantly changing with each therapeutic area of GSK.

Maintain extensive knowledge of the reimbursement policies and procedures particular to each individual account (i.e., 75+ accounts per territory).

Maintain extensive knowledge of Managed Care strategies, GPOs and contracting associated with GSK products.

Consult with providers on appropriate patient selection and treatment options with GSK products.

Develop strategies and tactics in support of a wide variety of accounts, specific to each customer.

Propose and implement specific strategies for current and future GSK products.

Develop and maintain strong working relationships with marketing, sales, reimbursement, contracting, national accounts and product information.

Develop and maintain relationships with members of professional associations through active membership and participation in national, state and local meetings, conventions, events and educational forums.

Coordinate the sale of GSK Pharmaceuticals products/services with other sectors.

Effectively use limited sales data and targeting tools to prioritize GSK products with high potential customers.

Provide outstanding customer service by responding to our customers' requests, inquiries and needs within 24 to 48 hours.

Provide product educational programs/in-services to customers on the features and benefits of GSK products to enhance rapport and increase access.

Must be adaptable, innovative and a demonstrated team player.

Extensive travel required.

## **EXHIBIT D**

### Long Term Care Specialist

4 year BS/BA degree required in Business, Nursing, Pharmacy or Pharm.D, or MBA from an accredited institution.

3 years Pharma experience,

Valid Driver's License

Medical Center Sales a plus

Demonstrated expertise in hospital / integrated healthcare environment

Ability to work within a complex, managed care matrix environment

Working knowledge of long-term care environment

Strong strategic planning, presentation and organizational skills

Clinical experience a plus

Position will be responsible for promoting selected products of the GSK portfolio.

- Calling on Medical Directors and Consultant pharmacist and any other key personal that make key decisions for Long Term care facilities,
- Making contacts and profiling key customers in Passport will be an ongoing priority
- This LTC representative will be primarily responsible to driving incremental sales in LTC accounts
- They will be responsible for tracking LTC sales and trends for the region. Benchmarking our efforts and keeping Institutional records is key to this effort.
- In addition to calling on designated facilities, the representative will act as the Regional Liaison for Long term care. They will be responsible for giving periodic updates to the RVP/MDM and MCR team on a quarterly basis, and provide the necessary coordination with the MCR team or field where selling opportunities exist. Example: A customer wants more information on Vesicare so you will help coordinate with the closest regional sales team member in geography to help provide the information the customer needs. The representative will at times also have to coordinate activity with Neurohealth and the Philly pharma team.
- The LTC representative will participate in periodic conference calls with home office personal that highlight current updates with the LTC initiative. The LTC PSR will be expected to participate in Regional business planning around LTC initiatives and be expected to pull through agreed upon objectives.

If applicable:

- The Federal (VA) and Military (DOD) Account responsibilities will include:
- Key Accounts geographically designated
- Working to support the efforts of other MCR reps with primary responsibility for VA, Military accounts
- Serving as our primary liaison with our Regional Manager of Federal Markets.

- Serving as an expert in Tricare formulary issues , targeting and training regional PSRs/MCRs on Tricare pull through issues and initiatives

**Accountability:**

This LTC position will have an incentive compensation system that will be 100% MBO (Management By Objectives) based. Among the responsibilities for this position will be overseeing and managing our activities with high profile Long Term Care (LTC) accounts in the state and, if applicable, playing a support role in key Federal and Military accounts in the geography

Develop, implement and monitor account business plans for each assigned LTC account.  
Develop and maintain strong relationships with Medical Directors, Consultant pharmacists

Nursing Home administration, Contract provider, Medication nurse, Nursing/ staff director.

Gain support for GSK product formulary addition in LTC accounts.

Identify and promote select GSK products with PCP's and NP's within LTC accounts.

Actively support key LTC account personnel with In-services, RMS usage, GSK approved materials, Science Information Letters at all assigned LTC accounts.

Coordinate selling activity and strategic business plans across GSK selling teams and departments.

Satisfactorily complete product training on all products selected for promotion in LTC accounts.

Support and attend conventions, conferences and symposia related to LTC accounts.

Become active in regional LTC organizations/ societies (consultant pharmacy org., etc...)

Support GSK contract personnel through developed relationships at pharmacy provider organizations.

Utilize and track assigned budget.

Track, measure and communicate work activity to management weekly.



**EXHIBIT E**

### **Institutional Account Manager**

4 year BA/BS degree from an accredited institution

Ability to travel domestically as necessary, which may include overnight and/or weekend travel up to \_\_%

Valid drivers license

2-4 years pharmaceutical sales experience

**SPECIALIZED KNOWLEDGE:** S09 (S08-S06 available as promotional opportunity)

Strong product knowledge and success in hospital selling

Demonstrated strong product knowledge required; business and clinical environment preferred

Minimum two years pharmaceutical sales experience required

Strong record of high performance and consistent results required

Strong communication, presentation and influencing skills required

Demonstrated ability to identify unique sales opportunities and to perform tasks beyond designated responsibilities

Strong business and planning skills

Ability to multi-task

### **Competencies:**

Strategic Analysis & Planning

Customer Focus

Product and Market Knowledge/Selling Skills

Resource optimization

Teamwork & Leadership

The Winning Expectation: Professionalism

### **KEY RESPONSIBILITIES:**

Promote GSK pharmaceutical products to customers working primarily within teaching hospital/medical center setting along with other select office-based specialists as assigned. Use established selling model, data and promotional materials to meet or exceed sales goals and objectives. Work in conjunction with other sales staff (i.e. field-based Sales Representatives, Critical Care Account Managers, Oncology Account Managers, etc.) in developing strategies to increase the sales of GSK products.

Identify and establish a good working relationship with all physicians, residents, interns, nurses and primary support staff in key departments within the hospital/medical centers assigned (i.e. Psychiatry, Neurology, Pulmonology, ER, Allergy, ENT, PediatricsOB/GYN, Primary Care).

Educate medical students, residents, interns, as well as attending physicians and support staff on disease states in the therapeutic areas in which GSK competes.

Sell products to customers according to the established business plan utilizing customer-focused selling techniques, continually assessing the knowledge of the customer, maintaining high customer intimacy, and ensuring customers have a good knowledge of GSK products.

Effectively use call planning to target high-prescribing physicians and others who influence prescribing habits of physicians, interns and residents.

Plan, coordinate and implement hospital-oriented education forums in accordance with company policies and business plans.

Consult with other hospital-based GSK staff (e.g. Oncology Account Manager, Critical Care Account Managers, Hospital contracting managers) on a regular basis to ensure effective coordination of selling activities within the hospital/medical center.

Demonstrate advanced knowledge of GSK products, competitor products and promotional strategies and objectives.

Maintain current, approved promotional materials to be included in sales presentations.

Actively seek and display knowledge of key customers in territory.

Develop and deliver informative sales presentations based on customer needs.

Develop creative sales strategies to reach hard-to-see physicians.

Conduct all selling activity in compliance with GSK Commercial Practices Policies.

Complete administrative duties and call reporting as required in a timely manner.

Maintain samples and promotional materials in an orderly manner and in accordance with company policy.

Travel as required.

A high level of influencing of key decision makers in the hospital/medical center is required. This position will interact on a regular basis with department heads and other key staff within the hospital. The position is required to work across boundaries with Oncology Account Managers, Critical Care Account Managers who are primarily responsible for contracting strategy within the institution and with field Sales Representatives who may also call on physicians in an office-based setting.

## **EXHIBIT F**

## Hematological Oncology Account Manager

### Basic Qualifications:

4 year BA/BS degree from an accredited institution

Ability to travel domestically as necessary, which may include overnight and/or weekend travel up to 30%

Valid drivers license

2+ years of relevant outside sales experience, or equivalent

### Competencies:

1-3 years Hematology-Oncology experience

Strategic Analysis & Planning

Customer Focus

Product and Market Knowledge/Selling Skills

Resource optimization

Teamwork & Leadership

The Winning Expectation: Professionalism

The Hematological Oncology Account Manager will be a key member of a new sales team being built to support GSK's present franchise of marketed hematological oncology products.

Demonstrate thorough knowledge of GSK and competitive products and therapeutic areas.

Effectively demonstrate the ability to translate product knowledge into effective sales presentations.

Maintain knowledge and data, which are constantly changing within each therapeutic area of Hematology-Oncology.

Have extensive knowledge of the reimbursement marketplace and the impact on each individual account.

Have extensive knowledge of Managed Care strategies, GPOs and contracting associated with GSK Hematology-Oncology products.

Consult with Hematology/Oncology providers on appropriate patient selection and treatment options with GSK Hematology-Oncology products.

Develop strategies and tactics to generate sales in oncology clinics and academic/community hospitals.

Develop and implement targeting strategies specific to each customer within an account (i.e., hematologist, oncologist, oncology nurses, business/office managers and oncology pharmacists).

Propose and implement specific strategies for current and launch products in Hematological Oncology.

Develop and maintain strong working relationships with GSK Hematological Oncology Marketing, Sales, Payer Relations Managers, Strategic Account Managers, Medical Affairs and Product Information.

Develop and maintain relationships with members of Oncology professional associations through attendance and participation in national, state and local meetings, conventions and events.

Effectively use sales data and targeting tools to prioritize Hematological Oncology products with high-potential customers.

Provide outstanding customer service by responding to our customers' requests, inquiries and needs.

Provide product educational programs/in-services to customers on the features and benefits of GSK Hematological Oncology.

Develop and deliver high-quality, value-added programs.

Attend Hematological Oncology educational forums (tumor boards, Grand Rounds, symposia).

Effectively manage allocated resources (i.e., financial, technical, people) to accounts.